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IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.
13

14 KYLE TRAVIS COLTON,

15 Defendant.

CASE NO. 2:24-CR-00029 DAD

STIPULATION AND ORDER TO CONTINUE
MOTION TO SUPPRESS HEARING AND
EXCLUDE TIME

DATE: October 29, 2024

TIME: 9:30 a.m.

COURT: Hon. Dale A. Drozd

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17 IT IS HEREBY STIPULATED by and between Phillip A. Talbert, United States Attorney,
18 through Assistant United States Attorney Whitnee Goins, attorney for Plaintiff and Federal Defender
19 Heather E. Williams through Assistant Federal Defender Douglas Beevers, attorney for Kyle Travis
20 Colton that the motion to suppress hearing, currently scheduled for October 29, 2024, be continued to
21 November 19, 2024 at 9:30 a.m.

22 The parties jointly request the following modified briefing schedule for the motion to suppress.
23 The parties believe a continuance to November 19, 2024 will permit defense counsel the additional time
24 necessary to conduct pretrial investigation, identify and interview witnesses, obtain pertinent records,
25 and finalize any further pre-plea negotiations.

26 Defendant's Motion to Suppress was filed on July 24, 2024. The government's response was
27 filed on October 11, 2024. Defendant's Reply shall be filed on November 5, 2024. The hearing on the
28 Motion to Suppress shall be heard on November 19, 2024.

1 Counsel for defendant believes that failure to grant the above-requested continuance would deny
2 counsel the reasonable time necessary for effective preparation, taking into account the exercise of due
3 diligence, as well as continuity of counsel.

4 Based upon the foregoing, the parties agree time under the Speedy Trial Act should be excluded
5 of this order's date through and including November 19, 2024; pursuant to 18 U.S.C. §3161 (h)(7)(A)
6 and (B)(iv) and General Order 479, Local Code T4 based upon continuity of counsel and defense
7 preparation and continuity of counsel.

8 Counsel and the defendant also agree that the ends of justice served by the Court granting this
9 continuance outweigh the best interests of the public and the defendant in a speedy trial.

10 Dated: October 21, 2024

PHILLIP A. TALBERT
United States Attorney

12 /s/ WHITNEE GOINS
13 WHITNEE GOINS
14 Assistant United States Attorney

15 Dated: October 21, 2024

16 /s/ DOUGLAS BEEVERS
17 DOUGLAS BEEVERS
18 Counsel for Defendant
19 KYLE TRAVIS COLTON

ORDER

IT IS HEREBY ORDERED, the Court, having received, read, and considered the parties' stipulation, and good cause appearing therefore, adopts the parties' stipulation in its entirety as its order. The Court specifically finds the failure to grant a continuance in this case would deny counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence, as well as continuity of counsel. The Court finds the ends of justice are served by granting the requested continuance and outweigh the best interests of the public and defendant in a speedy trial.

The Court orders the time from the date the parties stipulated, up to and including November 19, 2024, shall be excluded from computation of time within which the trial of this case must be commenced under the Speedy Trial Act, pursuant to 18 U.S.C. § 3161(h)(7)(A) and(B)(iv) and General Order 479, (Local Code T4). It is further ordered the October 29, 2024 motion to suppress hearing shall be continued until November 19, 2024, at 9:30 a.m.

IT IS SO ORDERED.

Dated: **October 21, 2024**

Dale A. Drozd
DALE A. DROZD
UNITED STATES DISTRICT JUDGE